IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Confirmation No.: 3998

MADGE et al. Art Unit: 1614

Appl. No.: 10/658,971 Examiner: KWON, Brian Yong S.

Filed: September 9, 2003 Atty. Docket: 2451.0090008/BJD

For: Boronic Acid Salts Useful in

Parenteral Formulations

Eighth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(d)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form, PTO/SB/09B, is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Eighth Supplemental Information Disclosure Statement is a continuation of the Applicants' Seventh Information Disclosure Statement filed on December 2, 2005 in connection with the above-captioned application.

A copy of document **NPL1** is submitted.

In accordance with the recent Federal Circuit decision in Dayco Prods., Inc. v. Total Containment, Inc. 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith as document NPL1 an Office Action from copending U.S. Patent Application No. 10/659,178, which is directed to related technical subject matter.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$180.00 IDS payment amount in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Form, and indicate in the official file wrapper of this patent application that the document has been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Grant E. Reed

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April 19, 2007 1100 New York Avenue, N.W.

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Equivalent of Form PTO/SB/08B (09-06) Approved for use through 03/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Panerwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known		
EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/658,971	
				Filing Date	September 9, 2003	
				First Named Inventor	MADGE, David Jonathan	
				Art Unit	1614	
				Examiner Name	KWON, Brian Yong S.	
Sheet	1	of	1	Attorney Docket Number	2451.0090008/ВЈД	

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²				
	NPLI	Copy of Office Action mailed on February 5, 2007 in United States Patent Application No. 10/659,178, Madge, D.J., et al., filed September 9, 2003					
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665321v	1		Ь				

Date Examiner Considered Signature

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.